IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Patrice Cardine

Serial No.: 10/511,119

Filed: March 17, 2005

Group Art Unit: 3634

Examiner: Redman, Jerry E.

Title: BRACKET FOR WINDOW REGULATOR, WINDOW

REGULATOR AND VEHICLE BODY

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Dear Commissioner:

In response to the Office Action mailed March 4, 2010, Applicant respectfully submits a pre-appeal brief request for review. This request is filed with a Notice of Appeal. As will be explained in further detail, the review is requested for the reasons set forth below.

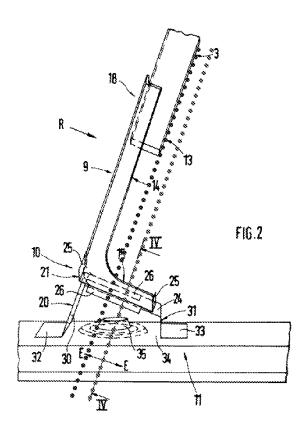
I. Claims 2-10, 12, 15, 17, 19, 21 and 23-29 were improperly rejected under 35 U.S.C..102(b) as being unpatentable over Rieder (EP 0262283).

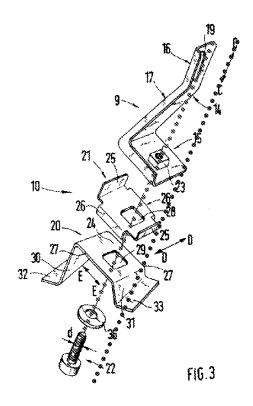
ARGUMENTS

Claims 2-10, 12, 15, 17, 19, 21 and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Rieder (EP 0262283). Rieder does not disclose a lug including a second part defining a plane for fixing to a vehicle body and a screwing direction that is a normal line substantially perpendicular to the plane that is inclined relative to a window-guiding direction. The Examiner is calling the parts 15 and 21 the second part. The claimed invention recites that the guide rail defines the window-guiding direction.

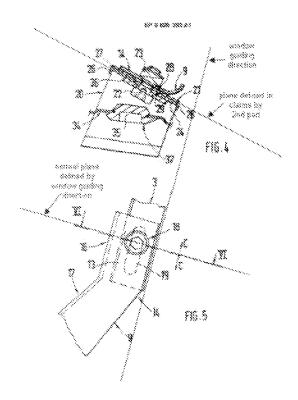
In Rieder, the window-guiding direction is always parallel to the screwing direction. As shown in Applicant's annotated Figures 2, the left dotted line represents the window-guiding direction, and the right dotted line represents the screwing direction. As further shown in Applicant's annotated Figure 3, the right dotted line represents the window-guiding direction,

and the left dotted line represents the screwing direction. As shown, the dotted lines are parallel. Rieder does not disclose that the screwing direction is inclined relative to a window-guiding direction, and the claimed invention is novel.

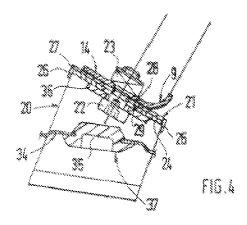




In the Office Action, the Examiner include the below annotated Figures 4 and 5 to support his arguments. The Examiner determined the window guiding direction in Figure 5, and then extrapolated this line to Figure 4. From Figure 4, the Examiner added a line that showed the plane defined by the second part (the claims further recite that the screwing direction is a normal line perpendicular to the plane; this normal line is not shown in the Examiner's annotated Figure 4). However, there is no correlation between the window guiding direction of Figure 5 and the window guiding direction of Figure 4. The specification also does not disclose any relationship between these Figures, and the Examiner cannot arbitrarily determine that the orientation of the features of Figure 4 have any relationship to Figure 5. Again, returning to Applicant's annotated Figure 3, the window guiding direction (the left line in Figure 3) is substantially parallel to the screwing direction (the right line in Figure 3) and not inclined as claimed.



Applicant's annotated Figure 4 is reproduced below. The window guiding direction (extrapolated from the element 9 which leads to the guide rail 3) is parallel to the line normal to the parts 15 and 21 (which the Examiner is calling the second part) that defines the screwing direction, which his further shown in Applicant's annotated Figure 3.



Serial No. 10/511,119 60130-2246; 02MRA0385

Finally, Claim 1 of the issued claims of EP 0626283 B1 also supports Applicant's

argument. Claim 1 (lines 47 to 48) cites that the abutment face 24 of holding bracket 20 is

orientated at a right angle to the guide rail 3. The abutment face 24 is parallel to the parts 15 and

21. As the bolt 22 is received in the abutment face 24, the bolt 22 is at a perpendicular to the

abutment face 24 and therefore parallel to the guide rail 3.

CLOSING

For the above reasons, the rejection of the claims should be reversed.

No additional fees are seen to be required. If any additional fees are due, however, the

Commissioner is authorized to charge Deposit Account No. 50-1482, in the name of Carlson,

Gaskey & Olds, P.C, for any additional fees or credit the account for any overpayment.

Therefore, favorable reconsideration and allowance of this application is respectfully requested.

Respectfully Submitted,

CARLSON, GASKEY & OLDS, P.C.

/Karin H. Butchko/

Karin H. Butchko Registration No. 45,864

400 West Maple Road, Suite 350

Birmingham, Michigan 48009

Telephone: (248) 988-8360

Facsimile: (248) 988-8363

Dated: June 22, 2010

5